

**7.16.9. Unexpected Discoveries.** Any unexpected discoveries of archeological or cultural resources during construction, whether investigated or not pursuant to the SLDC, shall be immediately reported to the Administrator. Absent further instructions from the Administrator, construction activities shall immediately cease. The Applicant shall be responsible for having a person qualified pursuant to this Section conduct an investigation of the site within forty-eight (48) hours to investigate, prepare a report, treat and mitigate the site as necessary and as described in Section 7.16.5. The Administrator may only issue a permit authorizing construction to continue when all the items set forth in Sections 7.16.5.2. through 7.16.5.13 have been accomplished and approved by the Administrator,

**7.16.10. Unexpected Discoveries of Human Remains.** An unexpected discovery of human remains invokes duties under Section 18-6-11.2 of the Cultural Properties Act. Any such discovery shall be immediately reported to local law enforcement and the Administrator. All construction activities shall cease until cleared for further work by the Medical Investigator or the State Historic Preservation Office, depending on the nature of the human remains.

**7.16.11. Tribal Notification.** Each investigation completed pursuant to this Section shall be treated as a public record except as provided in NMSA 1978, § 18-6-11.1, and mailed to any Tribal government within Santa Fe County that has made a written request of the Administrator for such information.

**7.16.12. Excavating an Archaeological Site on Private Land Using Mechanical Excavation Equipment.** Pursuant to NMSA 1978, § 18-6-11 of the Cultural Properties Act, no person shall excavate an archaeological site located on private land in the State with the use of mechanical earthmoving equipment unless the person obtains a permit issued by the State Cultural Properties Review Committee with approvals from the State Archaeologist and the State Historic Preservation Officer. This requirement shall not apply to the private landowner unless the landowner transfers the property with the intent to excavate an archaeological site.

## **7.17. TERRAIN MANAGEMENT.**

**7.17.1. Purposes.** This Section is intended to:

**7.17.1.1.** Protect water quality and the natural character of the land;

**7.17.1.2.** Minimize soil and slope instability, erosion, sedimentation and storm water runoff;

**7.17.1.3.** Protect and retain rugged and steep terrain, natural landmarks and prominent natural features as open space;

**7.17.1.4.** Adapt development to the existing natural topography, soils, vegetation, geology, hydrology, landforms and other conditions existing on a lot or parcel prior to development by:

1. proper vegetation management techniques;

2. minimizing cuts and fills and earth grading;

3. blending graded areas with undisturbed natural terrain; and

4. minimizing the amount of exposed raw earth at any time in a project by careful phasing of development and revegetation;

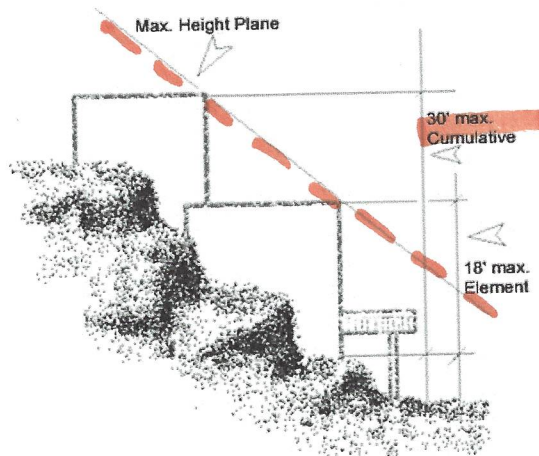
6. The finished floor elevation of any structure built on a natural slope between fifteen percent (15%) and thirty percent (30%) shall not exceed five feet above the natural grade at any point.

7. No significant tree may be removed from slopes greater than thirty (30) percent.

### 7.17.9.3 Height.

1. The height of any structure located on land that has a natural slope of fifteen percent (15%) or greater shall not exceed eighteen feet (18'). The distance between the highest point of the structure and the lowest point at the natural grade or finished cut shall not exceed thirty (30) feet, unless the portion of the slope over fifteen percent (15%) is incidental to the entire site.

Figure 7.6: Height of Structures in Steep Slope Areas.



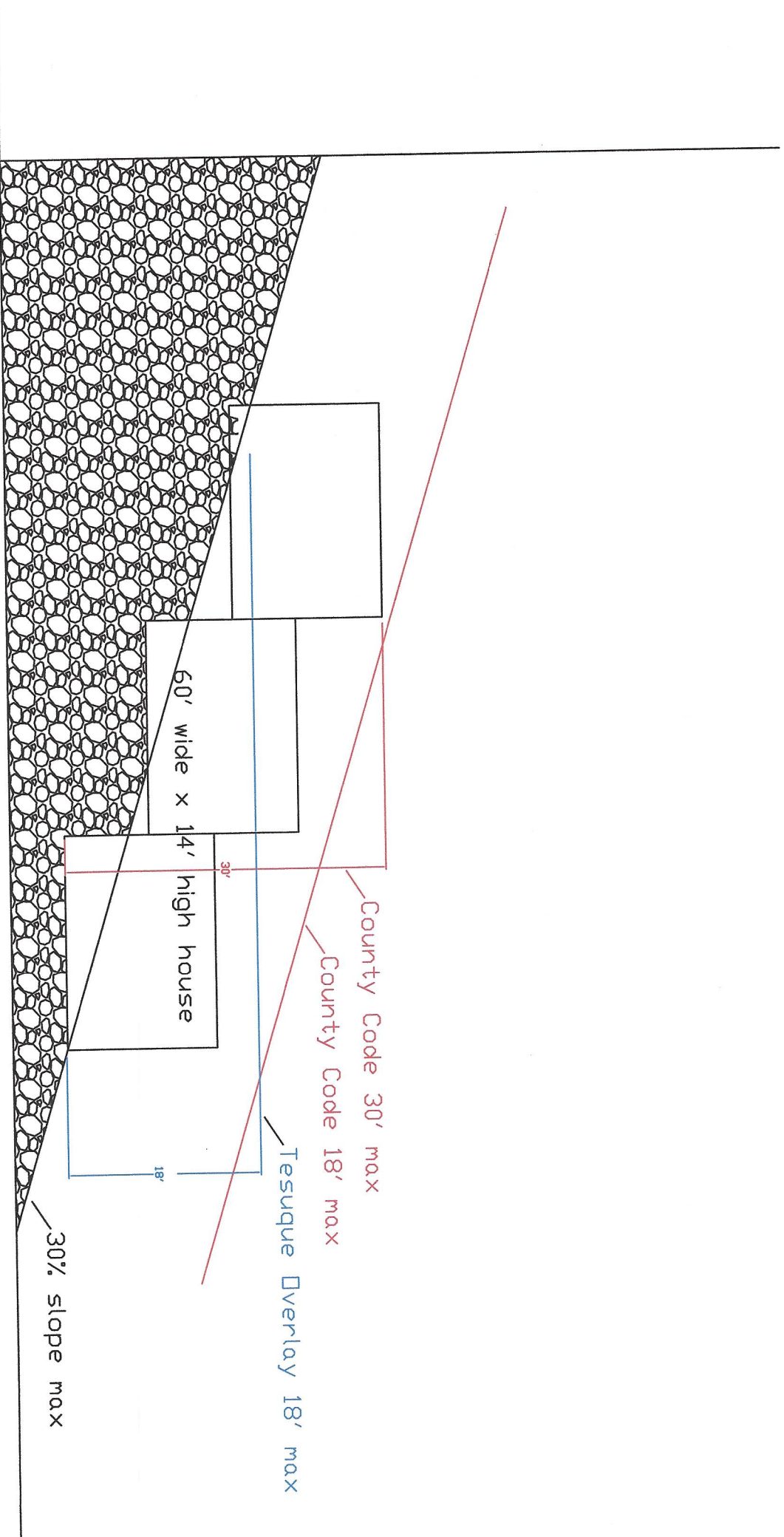
2. Structures on ridges, ridgelines, and shoulders shall not exceed fourteen (14) feet in height and shall be limited to one story. However, a structure on a ridge or ridgeline that is a one story pitched roof structure shall not exceed eighteen (18) feet in height so long as the structure is screened from view from an arterial or major arterial road.

### 7.17.9.4. Architectural and Appearance Standards.

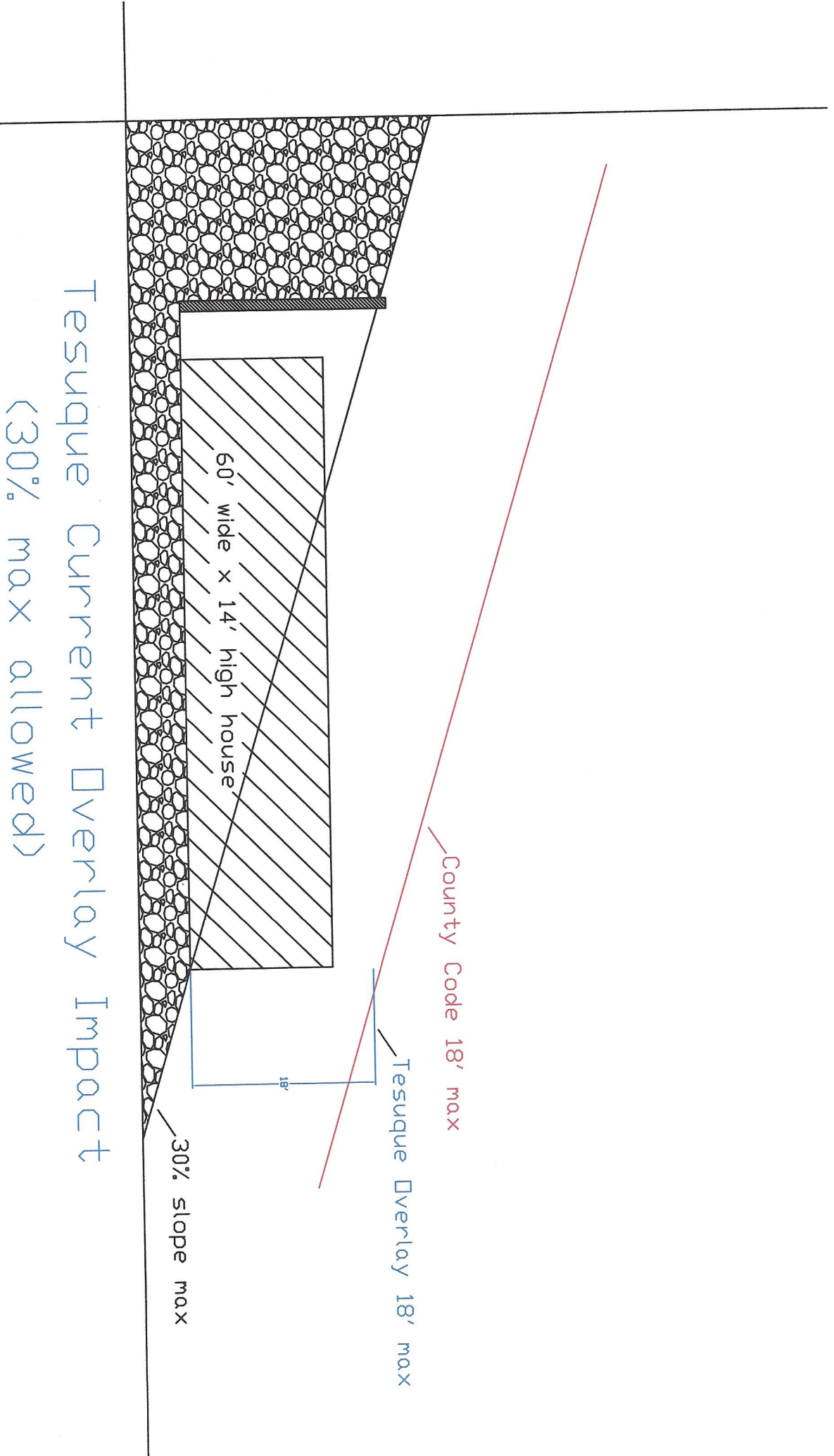
1. A Structure located on a slope in excess of fifteen percent (15%) shall be designed to conform to the natural terrain by following contours to minimize cuts and fills, fitting into existing landforms and solidly meeting the ground plane. Any pier foundations shall be enclosed so that exterior walls appear to meet the ground and such a foundation system shall not exceed five vertical feet above the natural grade.

2. Buildings should be designed within variations in height and orientation, and within offset walls to reduce the visible mass or bulk.

3. Roof colors, windows, walls and facade colors visible from adjacent properties or from arterial or collector roads shall be muted and of non-reflective or non-glossy materials with a Light Reflective Value (LRV) of less than 40

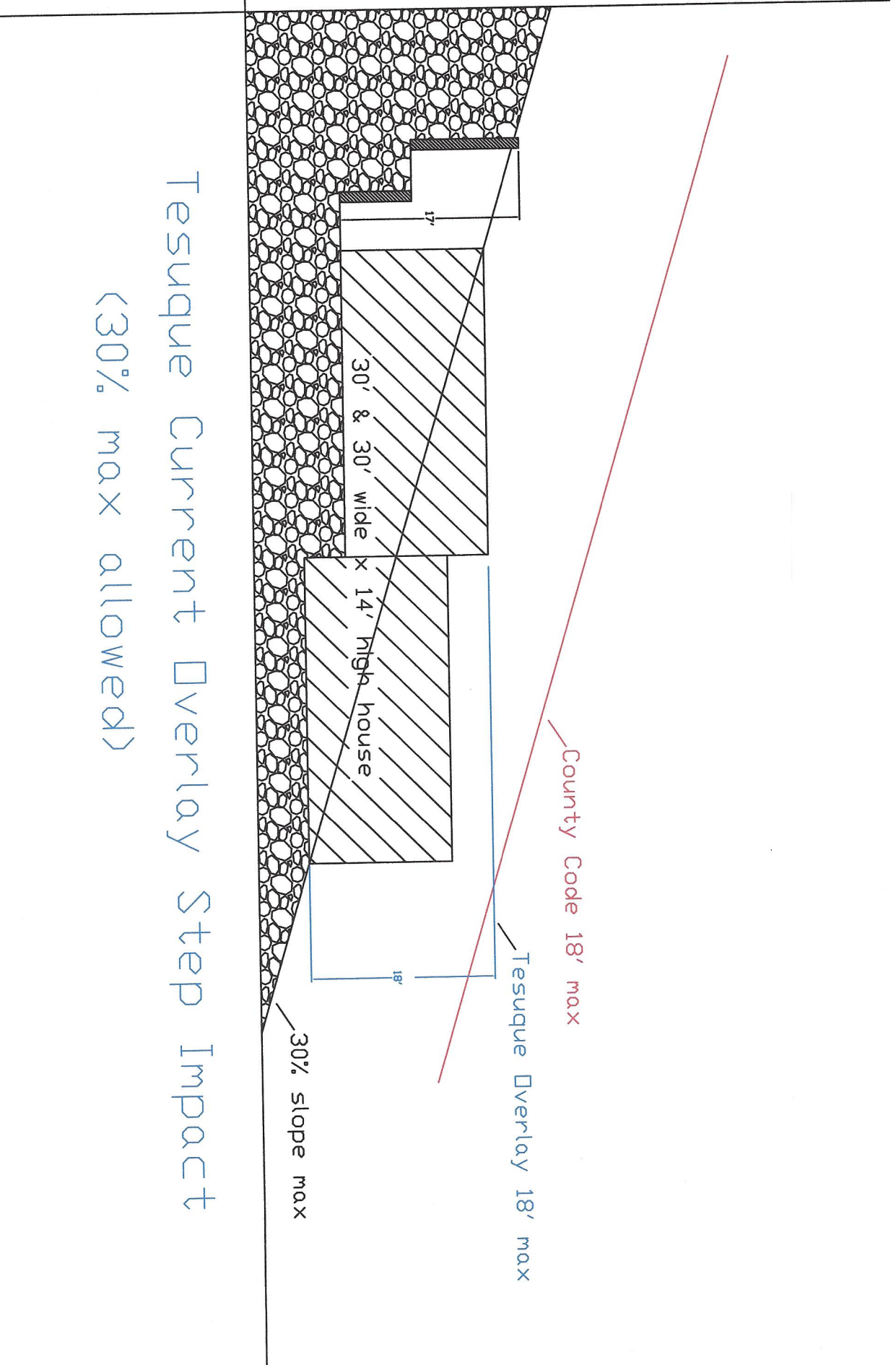


County Code vs Tesuque Overlay  
 (both on 30% max allowed)



Tesuque Current Overlay Impact  
(30% max allowed)

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Tesuque Current Overlay Step Impact  
 (30% max allowed)

## 9.5. TESUQUE COMMUNITY DISTRICT OVERLAY.

**9.5.1. Purpose and Intent.** The provisions of the Tesuque Community District (TCD) are intended to implement and be consistent with the land use goals, objectives, policies, and strategies of the Tesuque Community Plan and the Sustainable Growth Management Plan (SGMP). The TCD is designed to ensure compatibility among various land uses, encourage compact development, protect scenic features and environmentally sensitive areas, enhance rural development patterns, accommodate a variety of lifestyles, delineate historic community spaces and conserve water resources while accommodating the anticipated natural growth of the community. Provisions include standards and dimensions based on historic development patterns and incentives to facilitate compact development where appropriate in conjunction with conservation easements that preserve agricultural land and open space.

**9.5.2. Sustainable Design Standards.** The development standards of Chapter 7 of this Code shall be applicable to all development, except as otherwise specified herein.

**9.5.2.1. Fences and Walls.** The standards shall be regulated as identified in Chapter 7 of this Code with the following exceptions:

**1. Intent.** In order to maintain and enhance the rural character of Bishops Lodge Road north of the Santa Fe City boundary to its intersection with Hwy 285, fencing and walls in this area shall be built to reflect historic design patterns. Fencing in this area has historically been short, open fencing for farming and grazing management which created the sense of a small rural agricultural community.

**2.** A permit is required for any new or replacement fences or yard walls within 25 feet of any property line fronting Bishops Lodge Road and Tesuque Village Road.

**3. Location and Height.** The standards shall be regulated as identified in Chapter 7 of this Code with the following exceptions:

**a.** Any new or replacement fences or yard walls within 25 feet of any property line fronting Bishops Lodge Road and Tesuque Village Road shall not be opaque above 3 feet in height. Coyote fences are considered opaque.

**b.** Any new or replacement front yard fence or wall with any opaque sections facing Bishop's Lodge Road and Tesuque Village Road shall incorporate landscaping with permanent trees, shrubs or vines for a minimum of 40% of the wall length.

**c.** Any new or replacement front yard fence or wall beyond the 25 foot setback may be fully opaque to a maximum of 6 feet and shall be landscaped to the Bishops Lodge Road or Tesuque Village Road side with permanent trees, shrubs or vines for a minimum of 40% of the wall length. See Chapter 7 of this Code for landscape standards for planting requirements.

**d.** Fencing and walls shall not exceed 6 feet in height.

**4. Fencing Materials and Design.** The standards shall be regulated as identified in Chapter 7 of this Code with the following exceptions:

- a. Fencing or walls above 3 feet but limited to 6 feet, must be constructed with materials that allow for safety for traffic by assuring clear visibility through the fencing.
- b. Fence materials to be utilized above the 3 foot limit may not include glass or similar plastic or polycarbonate type materials.
- c. Chain link fencing is prohibited.
- d. Fencing and walls visually accessible from Bishop's Lodge Road, and greater than 30 feet in length, shall incorporate architectural offsets at a minimum of 1 every 30 feet.
- e. All opaque portions of walls shall be colored in tones consistent with shades historically used in Tesuque, including earth tones, brown, tan, or white.

**9.5.2.2. Signs.** The standards for signs shall be as regulated by Chapter 7 of the Code with the following exception:

1. Pole mounted signs are prohibited.
2. Wall, fence, and pedestal signs with a maximum size of 6 square feet are allowed for non-residential uses.
3. Electronic and internally illuminated signs are prohibited.
4. Indirect sign illumination for way-finding purposes during the hours of operation is permitted, so long as it is shielded, with the light source concealed from view and directed downward.

**9.5.2.3. Parking.** The standards shall be regulated as identified in Chapter 7 of this Code with the following exceptions:

- 1. Parking Lot Location.** Rear or side parking is required for all non-residential parking when the property is adjacent to a public road.
- 2. Parking Lot Setback.** Non-residential front parking shall be set back 10' from the roadway and the setback area shall be landscaped to provide screening.
- 3. Screened Parking.** Non-residential parking shall be screened from adjacent residential properties.
- 4. Parking Lot Design Standards.** All non-residential parking should be designed with base course except as required to meet accessibility standards.

**9.5.2.4. Terrain Management.** The standards shall be regulated as identified in Chapter 7 of this Code with the following exceptions:

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9.5.2.4

**1. Steep Slopes and Ridges.** These standards apply to all new structures and additions to existing structures located on development sites where any portion of the land has a natural slope prior to development of 15 % or greater, and on ridgetops.

a. Exterior walls, façades and roof shall be darker shades of the natural earth tones (such as tan, brown) of the soils on the building site. Tones of gray, green and white are prohibited for exterior building colors.

b. Roof colors and all wall and façade colors visible from adjacent properties or from US 84/285, CR 73 and CR 73A shall be muted and of non-reflective or non-glossy materials with a Light Reflective Value (LRV) of less than forty pursuant to manufacturer's specifications. When such data is unavailable, compliance will be determined by a comparison of samples for which data is available.

c. Windows and door glazing shall be limited to no more than 30% of a façade and shall be non-mirrored and the LRV shall be less than 20, except:

i. Glazing shall be limited to no more than 50% under portals of 8 feet or deeper. This subsection shall not apply to glazing on a south-facing façade where incorporated into a documented design solar heating application equivalent to one for which the annual "Solar Saving Fraction (SSF)" exceeds 60%.

**2. Height on Steep Slopes and Ridges.** The standards shall be regulated as identified in Chapter 7 of this Code with the following exceptions:

a. **Structure heights on slopes greater than 15%.** Structure heights are limited to 18 feet. The distance between the highest point of the structure and the lowest point at the natural grade or finished cut shall not exceed 18 feet.

b. **Structures on ridge tops.** Pitched roofs are prohibited on ridge tops throughout the planning area.

**3. Storm Drainage.** The standards shall be regulated as identified in Chapter 7 of this Code with the following exceptions:

a. In order to protect the Little Tesuque and Big Tesuque rivers from siltation and contaminants, drainage from all land uses which may discharge runoff containing high nitrogen content or other contaminants, such as stables or kennels, shall be retained in ponds which must be setback set back a minimum of 25 feet from the natural edge of the river or FEMA designated floodplain, whichever is closer. Retention ponds shall be cleaned regularly to maintain their planned capacity and shall be incorporated into the landscaping to maintain the integrity of aesthetics for the site.

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